

Section 11

Part 2

Use of the Criminal Records Bureau

Key information for Incumbents, PCCs and Parish
Child Protection Co-ordinators in Parishes

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11.2.1 What is the Criminal Records Bureau?

House of Bishops' Policy 2004

The Criminal Records Bureau (CRB) is an executive agency of the Home Office. Its primary purpose is to help employers and voluntary organisations make safer recruitment decisions.

It is a national agency, which, for the first time, will afford the opportunity for all who work with children and young people to be checked through a consistent disclosure service. Although it is not a legal requirement for the Church to use this service, the House of Bishops regards it as a mandatory element in the recruitment process that disclosures should be obtained. It is now an offence to appoint a person who is banned from working with children.

The Criminal Records Bureau became operational in the spring of 2002. It provides a 'one stop shop' for ascertaining whether an individual has a criminal record, has been under police investigation, or has been banned from working with children by the courts or by having their name placed on the lists held by the Department of Education and Skills or the Department of Health.

In order to seek a disclosure at the Standard or Enhanced level, those recruiting must make sure that they are legally able to ask for the information. The post must involve the expectation of regular contact with children (Standard) or supervising, training, caring for or being in sole charge of children (Enhanced). It is illegal to ask for all convictions to be disclosed unless the position offered is exempt from the provisions of the Rehabilitation of Offenders Act 1974. When seeking a disclosure from someone in a position of trust it is necessary to also ascertain that they could be in a position to have unsupervised contact with children.

11.2.2 Levels of disclosure certificate

There are three levels of disclosure:

- **Basic.** This level of disclosure (not yet available) will contain details of convictions held on the Police National Computer which are not spent under the terms of the Rehabilitation of Offenders Act 1974, or will state if there are no such convictions. It will be issued to individual applicants, on request, subject to confirmation of identity.
- **Standard.** This level of disclosure is available in respect of posts or purposes which are exceptions to the Rehabilitation of Offenders Act 1974. This includes those whose normal duties include **regular contact with children**. A Standard Disclosure will contain details of any spent and unspent convictions, as well as cautions, reprimands and warnings, held on the Police National Computer. It will also indicate if there are no such matters on record. The disclosure will also reveal whether an individual is barred from working with children by virtue of inclusion on lists maintained by the Department of Education and Skills or the Department of Health. The disclosure is sent to the applicant and also to the Registered Body.
- **Enhanced.** Enhanced Disclosures apply to posts that involve **regularly caring for, training, supervising, or being in sole charge of children**. They will contain the same information as the Standard Disclosure, but may also contain non-conviction information from local police records which a chief police officer thinks may be relevant. This local information is supplied to the Registered Body but not to the applicant.

Method of obtaining a disclosure

Individuals will apply for their own disclosure, and in the case of Standard and Enhanced Disclosures will need to obtain a counter signature from a **registered body**.

11.2.3 Registered body

Organizations which need to ask about all convictions, because they have employees or volunteers in regular contact with children and therefore require employees or volunteers to provide a Standard or Enhanced Disclosure, will need to register with CRB. It is recommended that each diocese registers and provides a service as an umbrella body to parishes and other relevant bodies. The Registered Body receives a copy of the Disclosure Certificate. Each diocese will need to appoint several counter-signatories to administer the system and sign disclosures. Although the lead signatory may be the Bishop or Diocesan secretary, it is recommended that the counter signatories are the Bishop's secretary and other administrators. The Diocese of Birmingham is a Registered Body.

11.2.4 Positive disclosures

Counter-signatories receiving disclosures containing information should check with the applicant that they accept the information (if they do not they will need to take this up with the CRB). A risk assessment should then be undertaken by a professionally qualified person or panel, and advice offered to the person making the appointment. A panel from a neighbouring diocese may be used if an appeals procedure, as required by the CRB, is needed.

In the Diocese of Birmingham the Archdeacons co-ordinate the assessment of risk wherever there is a positive disclosure and will always contact the applicant within their archdeaconry.

11.2.5 What does it cost?

There is a charge made by the CRB of £36 for an employee seeking an Enhanced Disclosure, and £31 for an employee seeking a Standard Disclosure correct as of April 2006). This fee is likely to change from time to time. Volunteers are exempt from this charge. (For the purposes of this legislation, anyone receiving payment for a position, other than reimbursement of expenses, is deemed to be employed. This definition will be relevant when considering the status of retired clergy receiving fees.)

Birmingham Diocese makes no extra charge for administration. In the case of paid posts, the Diocese will invoice the church for the CRB cost only.

11.2.6 Priorities and frequency of disclosures

Priorities when seeking disclosures

It is important first of all that everyone appointed to a new position that brings them into contact with children has a valid disclosure certificate. It is also expected, however, that over time people already in post will be asked to apply for a disclosure. Unless the need for a check on criminal background is part of the person's contract of employment or similar agreement, the request for a disclosure in these circumstances may not be enforceable. Dioceses will need to prioritise the seeking of disclosures and carry them out gradually so that resources are not unduly stretched.

At this point the House of Bishops have determined that re-checking is not a requirement unless the person's role changes. (If an outside organisation such as a funder requires more frequent checking, this may be possible – consult your Archdeacon). The CRB anticipates issuing new guidelines for 'life-long' certificates to take effect from September 2008.

11.2.7 Criteria for portability of CRB disclosures

While this has been included in House of Bishop's 2004, since it has been published, changes introduced by the CRB mean that portability is no longer an option. Therefore whenever someone takes up a post in the Diocese, whether paid or unpaid, which is subject to a CRB disclosure, a new CRB disclosure must be undertaken if they have not already had a CRB check in the Diocese of Birmingham. It is not sufficient to rely on previous disclosures.

Applicants will be asked to complete a fresh CRB application form.

11.2.8 What does it mean for the parish?

A CRB disclosure is only one stage in the safe recruitment process. See Section 9.6

- No one selected as a worker with children and young people can have their appointment confirmed until the parish or employing body has been notified, in writing or by email, of a satisfactory disclosure by the Diocesan CRB counter-signatory – the Archdeacon.
- Forms for applying for a CRB Disclosure are available from the office of the appropriate Archdeacon.
- The applicant completes the application form, using guidance sent by the Archdeacon, and takes it and proof of identity to the Incumbent (or Parish Child Protection Co-ordinator – PCPC) for verification. (See Section 7.5 point 7)
- All those working towards the Bishop's Certificate in Children's Ministry, Bishop's Certificate in Youth Work and 'Offering Pastoral Care and Community Skills' will need, at an early stage, a satisfactory CRB disclosure and Confidential Declaration.

Retrospective Checks

As part of the programme of retrospective checking in operation within the Diocese, volunteers and workers who have been in post since before March 2002 (when the CRB came into force), will be asked to apply for a disclosure on a Deanery by Deanery basis. As part of this process, if no records exist of a confidential declaration, incumbents are urged to obtain one. Since the person will have been in post for at least 4 years; this would suggest that the person is in good standing with the church and that the church is satisfied with their suitability for working with children and young people, there is therefore no need to obtain references in this instance.

What you need to do as an 'employing body'

Identify the volunteers and staff in the parish who are working with children, young people and vulnerable adults; note that any people new in these roles since March 2002 need an Enhanced CRB Disclosure, and that eventually all such people will need one.

When you are about to recruit and appoint someone as a volunteer or employee in a post that requires an Enhanced CRB Disclosure, the advertisement for the post should state that it is subject to an Enhanced Disclosure.

- Make sure that applicants for a post know that they will be subject to a CRB Enhanced Disclosure if they are to be selected for the work.
- Follow the recruitment procedure in Section 9. In particular, information on the completed confidential declaration form should be checked by the incumbent, and any issues raised discussed with the relevant Archdeacon.
- Obtain a CRB Disclosure application form from the Archdeacon at the Diocesan Office. The applicant's name and CRB reference number will be logged by the Archdeacon.
- Ask the selected applicant to complete it and bring it with ID (e.g. Birth and marriage certificates [where applicable], driving licence, passport) to the Incumbent (or PCPC). After verification (see below) the form is sent to the Archdeacon together with a completed Diocesan Certificate (see Appendix W). The Archdeacon will countersign the CRB form and forward it to the Bureau. CRB will return one disclosure to the applicant and a copy to Archdeacon.
- Await notification from the Archdeacon who will write to the incumbent regarding the applicant's disclosure even in cases when the PCPC has delegated authority.
- Confirm the post only when you have received the all clear from the Archdeacon that there is nothing unsuitable in the person's record.
- Wait for the outcomes of a risk assessment, which will be carried out by the Archdeacon, should the disclosure or the confidential declaration give cause for concern.

If you have further questions about the CRB and the Diocese of Birmingham's policy in relation to it, please contact the Archdeacon at the Diocesan Office.

What is the role for the Incumbent in this process?

The incumbent verifies the form which applicants need to fill in to apply for a CRB Disclosure. Verification means checking that the form has been correctly filled in and ensuring that original, appropriate and valid identification documents have been provided. The PCPC or a similarly accountable and trained person such as a Parish Administrator, Secretary or a Churchwarden, may complete Section X on the CRB application form and assemble the applicant's identification documents in readiness for the incumbent to carry out the verification. See the revised role of the PCPC in Section 7.5.

The incumbent should explain to each applicant the reason for the check and explain that a disclosure could result in the applicant not being allowed to take up the post.

Where there is no Incumbent, responsibility for verification of ID passes to the Area Dean. Incumbent here includes Priest-in-charge, Team Vicar or a Priest of Incumbent status. If the Incumbent wishes to delegate responsibility for verification of documentation to the PCPC, the Archdeacon should first be consulted.

Verification is very important as it tests whether a person is who they say they are. **It is vital that you use the ID documents to extract the information which needs to be recorded. It is not acceptable for the ID information to be completed by the applicant, or for you to simply rely on personal knowledge of the applicant – i.e. by putting a cross against the address check because you believe the person lives at the address they have given on the form. YOU MUST SEE PROOF. You should also see the applicant face to face to verify photographic**

ID on passports, driving licences, etc. Experience has shown that the more ID seen and filled in, in section X, the quicker the application will be processed.

To help the applicant fill in the form correctly, it comes with detailed guidance notes from the Archdeacon. It is important that the forms are filled in correctly, because they are processed electronically. If forms are not filled in properly, the CRB will return them for correction and the whole process will be delayed.

The relevant Archdeacon should be contacted if you have any queries about what to do.

11.2.9 Here are a few Dos & Don'ts from the CRB

DO

- use **black** ink throughout the form
- place only one letter or number in each box
- leave an empty box between words; **BUT NOT** between postcodes or telephone numbers

DON'T

- use staples to attach anything (e.g. continuation sheets) to the disclosure form
- place stickers (e.g. address labels) on the form
- use correction fluid on the form. Errors should be crossed out and the correction inserted as close as possible to the right of the error
- put a line through any section of the form which is irrelevant, or write "not applicable" – merely leave the section blank

If everything is in order, the Incumbent signs the form and sends the form only (**not** the IDs) to the counter-signatory at the Diocesan Office.

11.2.10 What happens next?

The Archdeacon will arrange for the disclosure application to be counter-signed and sent to the CRB. The applicant will receive a copy of the resulting disclosure, and a copy will be sent to the Archdeacon. Appointment can only be finally confirmed by the parish or employing body following notification in writing from the CRB Administrator of a satisfactory disclosure. In the event of the disclosure revealing something that gives rise to concern, a risk assessment will be undertaken by the Bishop's Child Protection Adviser (BCPA) and the appropriate Archdeacon, which may recommend either appointment, not appointing, or appointing with conditions.

The Archdeacon will write to the parish/employing body to inform them of the outcome of the application, but will not send them a copy of the actual disclosure.

If you have any problems completing the form, you can get advice from the appropriate Archdeacon.

Additional Notes for Parishes/Employing bodies

If you need to make a check on a volunteer from overseas who has never resided in the UK, no information will be available through the CRB. In such cases you should request the

volunteer to provide a certificate of good conduct from the country they have moved from, although the validity of these certificates can sometimes be a grey area.

In the case of Asylum Seekers, with the individual's permission, you may be able to obtain information from the co-ordinator/chair of one of the local Community Groups working with and supporting Asylum Seekers – see Appendix X.

11.2.11 A model Policy Statement for parishes on the use of the CRB

The Parish of

- Is committed to respecting each individual's abilities, skills, experience and qualifications, and will take every step to ensure that these are given appropriate weight and consideration in the appointment or recruitment process.
- Will ensure that each paid post or volunteer position is assessed for the appropriateness of a CRB Disclosure, that any advertisement of a paid post or volunteer position will state that an appointment will be subject to the receipt of satisfactory disclosure information.
- Will request candidates for a paid post or volunteer position to complete a self-declaration form that requires them to declare any convictions or other behaviour which might prejudice their appointment. This information will only be taken into account when relevant to the post in question. It should be submitted in an envelope clearly marked "Private and Confidential" and handed to the person specifically identified for this purpose in the recruitment process.
- Will assist the potential appointee to apply to the Diocese for an application for a CRB Disclosure. The completed CRB application will be verified by the incumbent and returned to the Archdeacon at the Diocesan Office.
- Will only confirm the appointment when notified in writing by the CRB Administrator that the disclosure is clear (i.e. will not take the word of the applicant)
- Will make every effort to ensure that all recruitment decisions involving disclosure information are made sensitively and fairly. Should an applicant for a paid post of volunteer position feel that this has not happened in their case the matter can be referred to the Archdeacon who will initiate an independent assessment of the issues in question.

In the event of an appeal or complaint, the applicant should submit the appeal or complaint in writing, stating their name and address, the nature of the complaint or appeal, the date of disclosure document concerned and the CRB reference number, the identity of the person or appointing body responsible for making the appointment, and any other relevant information to the CRB. NB – CRB advise that complaints and appeals should be registered within six months of the disclosure being notified.

Signed (on behalf of the appointing body)

Date

11.2.12 Young Leaders under the age of 18

Parishes are encouraged to invite suitable young people under the age of 18, to become and develop as young leaders, by involving them in leading activities throughout the church including working with children and other young people. These young leaders should be given support and guidance to enable them to be effective. Their own protection is equally important. With this in mind they should not be placed in a position where they take sole responsibility for others under 18. They must not be regarded as an adult when calculating ratios. In fact they themselves would be counted into the numbers of under 18's for the purposes of calculating safe staffing ratios. Because young leaders under the age of 18 will therefore be working under the supervision of at least one adult, there is no legal need for them to be CRB'd. The Diocese recommends that when young people who are regularly assisting in **leadership** roles (albeit under supervision) reach the age of 16, they should be asked to fulfil the same checking and recruitment procedures as an adult. The age 16 is suggested because this is when they are eligible to go onto the electoral roll and become members of the PCC. No-one under the age of 18 should ever have sole responsibility for other under 18's.

In the case of checks on young people, there will be a limit to the sources of ID they can provide. Every child will have a birth certificate and in some cases a passport or National Insurance number. An additional source of ID is a letter from the young person's head teacher confirming their identity.